

REMARKS

Favorable reconsideration of the above-identified application is requested in view of amendments made herein and remarks presented below. Claims 8-14 remain pending, Claims 1-7 having been previously canceled.

The Office action objects to the drawings because they do not illustrate a "pneumatic conveying device," a "roll gap," an "air connection," an "aspiration connection," or that a "feed pipe can be swiveled or pivoted," as recited in various claims. That objection is traversed for at least the following reasons.

A pneumatic conveying device is illustrated in the drawings, e.g., parts 7-10, and a roll gap is illustrated in the drawings, e.g., the area between rollers 3 and 3'. Those features would have been understood by a person of ordinary skill in the art. However, to address the concerns raised in the Office action, such is now specifically labeled with reference numeral 3" to address the Examiner's concerns.

An air connection is shown in the drawings. However, to address the Examiner's concerns, that specific claim language is removed.

An aspiration connection is now illustrated in the drawings as a box and is labeled by reference numeral 5'.

A swivel or pivot portion of a feed pipe, *i.e.*, a feed pipe that swivels, is now included in the drawings as a box and the swivel or pivot portion is identified by reference numeral 7'.

Illustration of the parts as boxes in Figure 1 is in accordance with 37 C.F.R. § 1.83(a), which states that "The drawings in a nonprovisional application must show every feature of the invention specified in the claims. However, conventional features disclosed in the description and claims, where their detailed illustration is

not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or labeled representation (e.g., a labeled rectangular box)."

The Office action rejects claims 8-14 as being indefinite under 35 U.S.C. § 112, second paragraph. Claims 8 and 9 are amended to address that issue.

Claims 8-14 are rejected under 35 U.S.C. § 103(a) as being anticipated by Japanese Patent No. 2002 066362 to Takashi, hereinafter *Takashi*.

One of the issues addressed in the present application relates to product speed. Page 3 of the present application describes that a rubber roll peeler 1 has a pair of rubber rolls 3, 3' arranged in a housing 5. The product moves onto a chute and into a feed pipe 7. The feed pipe 7 is connected to a pressure ventilator 10 having an elastic transition. A venturi tube 8 enables a partial vacuum and therefore an increase in product speed. Due to the partial vacuum, the product is sucked into the feed pipe 7. Page 4 of the present application describes that above rolls 3, 3' an aspiration connection is provided on the housing 5 in order to avoid counter-pressure on the outlet of the feed pipe 7. There, at least as much air is sucked out as supplied.

Claim 8, recites a roll peeler that is for peeling material. At least one pair of rolls are in a housing. A feeding device is for feeding the material that is to be peeled. A pneumatic conveying device is provided between the feeding device and a roll gap between the at least one pair of rolls. The pneumatic conveying device comprises a feed pipe and an air connection. A lower end of the feeding device comprises a chute, and is arranged above a venturi tube of the feed pipe. An

aspiration connection is provided on the housing and is on or above a roll level of the rolls.

Takashi discloses a husker. Figure 2 of *Takashi* shows a device having a pneumatic chute. Air flows through the chute thereby driving the material 28 to the space between rolls 7. Openings 30 are provided within the chute, thereby aspirating the chute.

As acknowledged in the Office action, *Takashi* does not disclose an aspiration connection provided on the housing and on or above a roll level of rolls, as recited in Claim 8. However, the Office action asserts that providing a housing and an aspiration in the housing on or above a roll level of rolls would have been an obvious matter of design choice.

The rejection of claim 8 is traversed at least because it would not have been obvious to provide that subject matter at least because there is no disclosure of a housing, as recited in claim 8, in *Takashi*. Further, even if a skilled person were to provide a housing, there is no disclosure or suggestion to provide an aspiration connection on or above the roll level of the rolls. Thus, the Examiner's assertion falls short because 1) there is no disclosure of a housing that would require an aspiration connection, and 2) there is no disclosure or suggestion of the specific placement of any such housing. Given that, it is not plausible to expect that a skilled person, when presented with *Takashi*, would have modified *Takashi* to embody those features as recited in claim 8.

The rejection of claim 8 is a textbook example of hindsight review, which is impermissible according to the MPEP. Without any suggestion or disclosure of a housing that would require an aspiration connection, a skilled person would not have

been able to arrive at an embodiment of claim 8 without referring to the present application.

Claims 9-14 are allowable at least by virtue of their dependence from allowable independent claim 8, and because they define features that additionally define over *Takashi*. For example, claims 10 and 13 define that the feed pipe can be swivelled or pivoted. Some of the virtues of that subject matter are described in the paragraph traversing pages 2 and 3 of the present application. There is no direction or suggestion to add that subject matter to *Takashi* and claims 10 and 13 are therefore allowable in view of *Takashi*.

For the reasons stated above, it is requested that all the objections and rejections be withdrawn and that this application be allowed in a timely manner.

Should any questions arise in connection with this application, or should the Examiner feel that a teleconference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

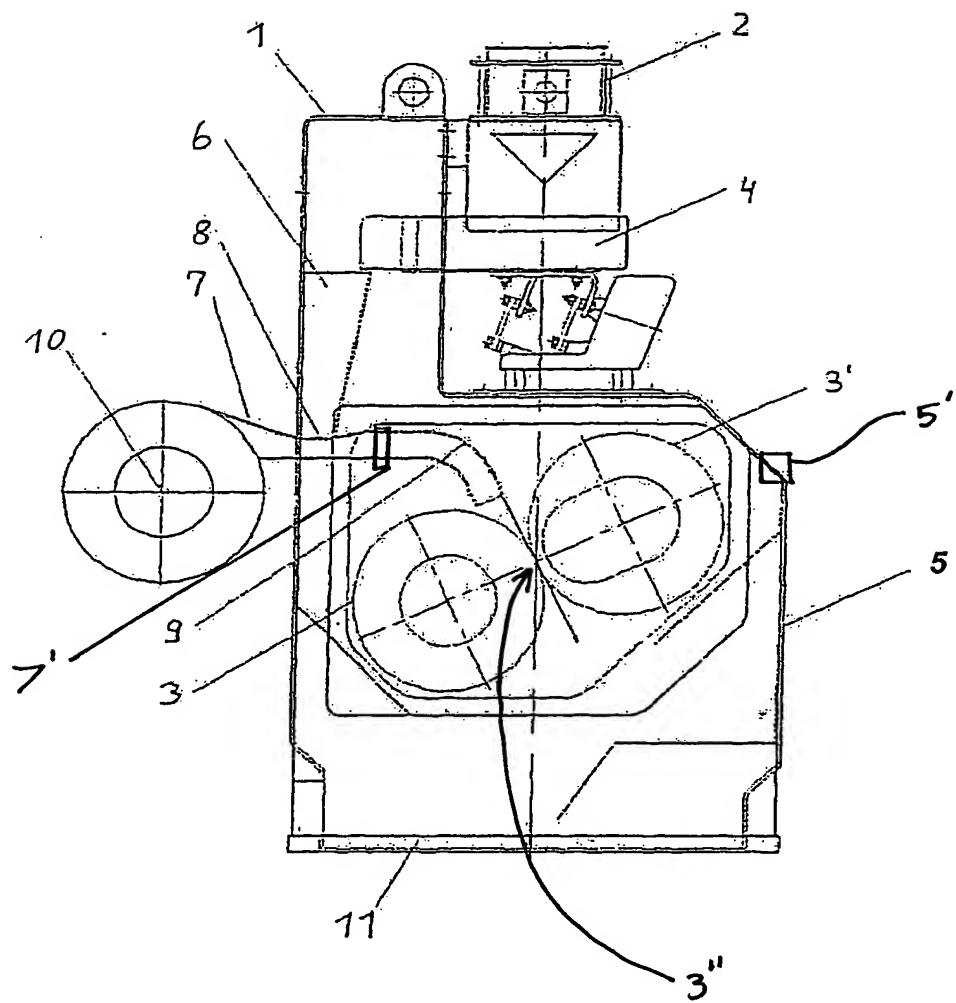
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AMENDMENTS TO THE DRAWINGS

One drawing replacement sheet is attached and includes Figure 1. The drawing replacement sheet replaces all other drawing sheets in this application. The drawing replacement sheet includes an amended Figure 1, the changes being the addition of a swivel or pivot 7', an aspiration connection 5', and a roll gap 3". An annotated drawing sheet showing changes is attached.